

Notice of Allowability

Application No.

10/698,541

Examiner

Fozia M. Hamud

Applicant(s)

BURNS ET AL.

Art Unit

1647

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/25/2006.
2. ☒ The allowed claim(s) is/are 1-4, 7-10, 39, 28-32, (now renumbered 1-14).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 10/25/2006
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Brenda Brumback
BRENDA BRUMBACK

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

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Examiner's Amendment:

1. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R § 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the Issue Fee.

Authorization for this Examiner's Amendment was given in a telephone interview with Attorney Mathew E. Hinsch on 17 January 2007.

2. The application has been amended as follows:

IN THE CLAIMS:

Please amend claims 1, 28 and 32 to read as follows:

Claim 1. (TWICE AMENDED) A method of identifying an agent that binds to CCX-CKR2 on a cell, the method comprising,

contacting a plurality of agents and a CCX-CKR2 ligand to a polypeptide comprising an extracellular domain at least 95% identical to an extracellular domain of a CCX-CKR2 polypeptide comprising of SEQ ID NO:2, or a fragment of the CCX-CKR2 polypeptide that binds SDF1 or I-TAC ~~a SDF1 or I-TAC-binding fragment thereof~~, wherein the CCX-CKR2 ligand is SDF1 or I-TAC; and

selecting an agent that competes with I-TAC or SDF1 for binding to the CCX-CKR2 polypeptide or fragment thereof, thereby identifying an agent that binds to CCX-CKR2 on a cell.

Claim 28. (TWICE AMENDED) A method of competing SDF1 or I-TAC and an agent for binding to a CCX-CKR2 polypeptide, the method comprising contacting a cell with an agent that specifically binds to a polypeptide comprising SEQ ID NO:2, wherein the agent competes with SDF-1 or I-TAC for binding to the [a] CCX-CKR2 polypeptide, and wherein the cell expresses a CCX-CKR2 polypeptide [.]

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comprising an extracellular domain at least 95% identical to an extracellular domain of SEQ ID NO:2.

Claim 32. (CURRENTLY AMENDED) The method of claim 28, wherein the agent is identified by a method comprising

contacting a plurality of agents to a ~~CCX-CKR2~~ polypeptide comprising an extracellular domain at least 95% identical to an extracellular domain of a CCX-CKR2 polypeptide comprising SEQ ID NO:2, or a fragment of the CCX-CKR2 polypeptide that binds SDF1 or I-TAC ~~a SDF1 or I-TAC binding fragment thereof~~; and

selecting an agent that competes with I-TAC or SDF-1 for binding to the CCX-CKR2 polypeptide or fragment thereof, ~~thereby identifying an agent that binds to a cancer cell.~~

2b. Please cancel claims 5 and 6 without prejudice or disclaimer.

Status of Claims:

3. Claims 1-10, 28-32 and 39, (now renumbered 1-16, respectively) are allowed.

Advisory Information:

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fozia M. Hamud whose telephone number is (571) 272-0884. The examiner can normally be reached on Monday, Thursday-Friday, 6:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brenda G. Brumback can be reached on (571) 272-0961. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fozia Hamud
Patent Examiner
Art Unit 1647
22 January 2007

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